

**Jury Committee
Judicial Conference of Indiana**

July 24, 2009
Minutes

1. Attendance. The following Committee members were present: George Biddlecome (via telephone), David Kiely, Louis Rosenberg, William Sleva, and William Hughes, Chair.
2. Staff present. Michelle C. Goodman and Tom Carusillo provided the Committee with staff assistance.
3. Approval of minutes. The Committee approved the May 2009 minutes.
4. Jury Exemptions. The Committee reviewed a draft amendment to Jury Rule 6 regarding jury exemptions. This proposal was prepared since the legislature adopted an age exemption during the 2009 Regular Session. The Committee thought it was important to further ensure that courts were aware of the statutory provision. The Committee unanimously approved this proposal, which will be forwarded to the Board of Directors for their consideration. The Committee also reviewed draft language on the Sample Qualification, Exemption, and Deferral form to include language regarding the new age exemption, which was unanimously approved. Finally, the Committee reviewed a proposed revision to a Frequently Asked Question regarding exemptions. The Committee requested that the effective date of the age exemption be specifically included in the proposal. The Committee approved the amended proposal for publication.
5. Jury service and the availability of electronic communication devices. The Committee discussed the issues involved with jurors' use of electronic communication devices in light of the Henri case and various news articles over time highlighting these issues. The Committee discussed the issues, concerns, and problems concerning technological devices as well as the impact on jurors and court proceedings. The Committee also reviewed the recently adopted rule from Michigan and discussed the fact that new Indiana pattern instructions will be published relating to these matters. The Committee discussed ways to further highlight these issues for judges while maintaining the ability of the courts to address these issues locally. The Committee reviewed a proposed amendment to Jury Rule 4, which would require courts to communicate their policies regarding the use of electronic communication devices in the summons for jury service. The Committee did not take a vote on this proposal. The Committee believed that trial court judges were in the best position to monitor issues during trial and recesses. The Committee requested staff draft a rule proposal for consideration at the next meeting to limit the use of electronic communication devices during the period of deliberations and provide that courts may authorize and monitor appropriate communications (i.e. arranging for transportation or babysitting, etc.) not related to the case.
6. Jury Pool/JMS Update. The Committee was informed that the staff have the data necessary for preparing the 2010 master list and that the goal is mid-September for its release. The Committee also received a report on the JMS system. There are 43 counties

using the system with a total of 226 users. There are also 67 users who export jury pool data. The Committee also discussed the inclusion of the age exemption in the system and determined that it should be handled like other exemptions in the system, which are reset at the end of each pool year. The Committee also requested that the instructions and training include the distinction between disqualifications and exemptions categories and demonstrate how additional supporting information may assist in determining the proper category. The staff also reported that a flyer would be distributed at the court staff training next week in order to continue to highlight the change in exemptions and remind staff about the JMS system.

7. Jury Management Benchbook. The Committee received two draft sections for review. The Committee discussed the section on jury orientation and made several suggestions. Judge Rosenberg will continue to work on this section for the next meeting. In addition, the Committee requested staff to contact the State Bar Association regarding our ability to reference their juror handbook. The Committee decided to review the deliberation materials at the next meeting.
8. Other business. The Committee was asked to consider reviewing the number of peremptory strike available in civil case.
9. Scheduled Meetings for 2009.

Friday, October 16, 2009 at noon

Note: All meetings will be held at the Indiana Judicial Center and meeting times are listed as Indianapolis time.

Respectfully submitted,

Michelle C. Goodman
Staff Attorney